

# Editorial: What price is too high for death row?

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In a twisted sense of timing, Gov. [Arnold Schwarzenegger](#) has placed the exorbitant cost of [California's](#) theoretical [death penalty](#) squarely before the public again.

The Schwarzenegger administration announced last week that it plans to borrow \$64.7 million from the state's cash-strapped general fund to accelerate construction of a new [death row](#) at [San Quentin State Prison](#).

The administration's call for bids to build new digs for condemned inmates comes as the governor's lawyers seek court approval to furlough state workers and cut their pay to minimum wage, and as he pushes to end safety net services for some of [California's](#) poorest and most vulnerable citizens.

Schwarzenegger needs to reconsider his priorities and focus on what is truly important as his time as governor ends – such as engaging in negotiations with legislative leaders to resolve the budget impasse.

The \$64.7 million is merely a down payment. Construction would cost about \$360 million. [Interest payments](#) on 20-year bonds the state ordinarily would sell to finance the construction could add another \$150 million or more to the final price tag.

The state Department of Corrections and Rehabilitation wants to borrow the \$64.7 million because the state is prevented from selling the bonds. Like so much else in the death penalty system, there is litigation. In this instance, a suit by Democratic lawmakers has tied up the bond sale.

We cannot imagine the governor decided to press ahead with the construction out of spite or because he is upset with Democratic legislators. That would be extremely petty. We prefer to think the administration is being driven by its vision of what is best for the state, although its priorities are seriously askew on this one.

Administration officials note that lawmakers authorized a new death row in 2003. Prison officials want to move forward now because contractors are hungry for work, which is cutting construction costs.

Officials say the \$64.7 million will be repaid once the state can issue the bonds. But that assumes the governor will win the lawsuit. As Schwarzenegger ought to know by now, it's foolish to second-guess courts.

The plan to build a shiny new 541,000-square-foot death row within San Quentin's boundaries underscores fundamental problems with capital punishment. So long as there is a death penalty, the state will need to house, clothe and feed the inmates at huge costs.

San Quentin sits on prime bayfront property in Marin County. It could be sold for a fortune and turned into housing, a transit hub, a ferry port and much more.

However, lawmakers cannot agree to close San Quentin. Nor are they prepared to abolish capital punishment, given that Californians support it by a wide margin. The U.S. Supreme Court and California Supreme Court seem willing to permit the process to continue, knowing that it is more likely that someone will be struck by lightning than die by lethal injection or gas.

California has 706 condemned inmates, by far the largest condemned population of any state. Since capital punishment was reinstated in California in 1978, 13 men have been put to death at San Quentin. Another 73 others have died of suicide, drug overdose and natural causes, including one last week.

The longest serving inmate, Douglas R. Stankewitz, has been on death row since Oct. 13, 1978. The oldest, David J. Carpenter, the "Trailside Killer," became an octogenarian this year. There hasn't been an execution since January 2006, and there's no certainty there will be any executions any time soon.

In California, the death penalty is conceptual. There simply are too many smart attorneys who can mount too many arguments that will persuade too many judges to place executions on hold. So long as we retain this broken system, taxpayers will be condemned to pay the price – in this instance, about \$500 million for a new death row.

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